

#3

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Claudia Hemmerling et al.

Docket No.
EIK-0003Application No.
10/531,114Filing Date
I.A. 10/09/2003Examiner
NYAGroup Art Unit
NYA

Invention: METHOD AND MICROORGANISM FOR THE PRODUCTION OF D-MANNITOL

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FEB 09 2006

OFFICE OF PETITIONS

I hereby certify that this Int'l Application Petition for Revival
(Identify type of correspondence)Is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-0025on February 9, 2006

(Date)

RECEIVED

15 FEB

Legal Office
International

Sonia Mancini

(Typed or Printed Name of Person Signing Certificate)

(Signature)

Note: Each paper must have its own certificate of mailing.

- 1) Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) (Large Entity) (3 pages)
- 2) Copy of Insufficient Basic National Fee Required And/Or Missing Copy Of International Application Under 35 U.S.C. 371 and 37 CFR 1.1495 (2 pages)
- 3) Petition Fee Under 37 CFR 1.17(m)
- 4) Basic National Fee, Examination Fee, and Search Fee

01 FEE 1631	300.00	DA
02 FEE 1631	300.00	DA
03 FEE 1631	200.00	DA
04 FEE 1632	500.00	DA

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
EIK-0003

In Re Application Of: Claudia Hemmerling et al.

Application No. 10/531,114	Filing Date I. A. 10/09/2003	Examiner NYA	Customer No. 23413	Group Art Unit	Confirmation No.
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Invention: METHOD AND MICROORGANISM FOR THE PRODUCTION OF D-MANNITOL

FEB 09 2006

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. A proposed reply to the above-identified notice or action:

Is enclosed. was filed on _____

The proposed reply is in the form of: Basic National Fee, Examination Fee, and Search Fee

2. The issue fee:

Is enclosed. was paid on _____

3. The abandoned application was a:

design application. utility application. plant application.

4. A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
EIK-0003

In Re Application Of: Claudia Hemmerling et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/531,114	I. A. 10/09/2003	NYA	23413		

Invention: METHOD AND MICROORGANISM FOR THE PRODUCTION OF D-MANNITOL

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FEB 09 2006

OFFICE OF PETITIONS

Calculation and Payment of Fees

Enclosed are the following fees:

6. Petition fee under 37 CFR 1.17(m) in the amount of: \$1,500.00

7. Fee for reply in the amount of: _____

8. Issue fee in the amount of: _____

9. Continuing application filing fee in the amount of: _____

10. Terminal disclaimer fee in the amount of: _____

11. Basic National Fee, Examination Fee, and Search Fee \$1,000.00

Total fees enclosed: \$2,500.00

The fee of \$2,500 is to be paid as follows:

A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 06-1130

Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No.
EIK-0003

In Re Application Of: Claudia Hemmerling et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/531,114	I. A. 10/09/2003	NYA	23413		

Invention: METHOD AND MICROORGANISM FOR THE PRODUCTION OF D-MANNITOL

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Pamela J. Curbelo
Signature

Dated: February 9, 2006

Pamela J. Curbelo
Registration No. 34,676
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
(860) 286-2929
Customer No. 23413

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

February 9, 2006

(Date)


Signature of Person Mailing Correspondence

Sonia Mancini VIA FACSIMILE

Typed or Printed Name of Person Mailing Correspondence

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 R.R. 1, P.O. 1450
 Alexandria, Virginia 22313-1450
[www.uspto.gov](http://uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/531,114	Ckaudia Hemmerling	EIK-0003
RECEIVED		INTERNATIONAL APPLICATION NO.
		PCT/EP03/11191
DEC 06 2003		I.A. FILING DATE
		10/09/2003
CANTOR COLBURN LLP		PRIORITY DATE
		10/09/2002
CONFIRMATION NO. 2110		
371 FORMALITIES LETTER		
 OC000000017575914		

Date Mailed: 12/05/2005

NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

Indication of Small Entity Status has not been received.

The following items must be furnished:

Copy of International Application, which includes a copy of the Request Form, submitted to the International Bureau is missing. A copy of the International Application must be provided prior to 30 months from the priority date to avoid abandonment. Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b). The international application may not be submitted via facsimile transmission.

The current record of this application indicates that the basic national fee (37 CFR 1.492(a)) required is \$300.

The basic national fee to enter the national stage in the United States of America under 35 U.S.C. 371 must be paid by 30 months from the priority date (37 CFR 1.495(b)(2)).

If the proper basic national fee is not paid within 30 months from the priority date, the International application will become ABANDONED as to the United States of America, and will not be accepted for national examination.

The amount required shown above reflects the correct fee as of the date of this Notice. If the amount changes prior to payment, applicant must pay the revised amount.

The current basic national fees are listed at 37 CFR 1.492(a). In addition, current PCT related fees are listed in each weekly issue of the Official Gazette of the United States Patent and Trademark Office and the amount of the fees can be obtained from the USPTO's web site www.uspto.gov or by contacting the Public Service Center at (703) 308-4367.

Extensions of time under the provisions of 37 CFR 1.136 are not available for compliance with the requirements of 37 CFR 1.495(b)(2).

For filing the basic national fee, the first class certificate of mailing procedure of 37 CFR 1.8 is NOT available to establish the date of mailing as the date of receipt in the USPTO (see 37 CFR 1.8(a)(2)(i)(F)). The Express Mail procedure of 37 CFR 1.10 may be used.

The basic national fee may not be submitted via facsimile transmission.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/531,114	PCT/EP03/11191	EIK-0003

FORM PCT/DO/EO/912 (371 Formalities Notice)

*** RX REPORT ***

RECEPTION OK

TX/RX NO	9818
RECIPIENT ADDRESS	8602860115
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RESULT	OK